

**House File 2353 - Introduced**

HOUSE FILE 2353

BY BODEN

**A BILL FOR**

1 An Act relating to an emergency temporary no-contact order.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **664A.3A   Emergency temporary no-**  
2 **contact order.**

3     1. Notwithstanding section 664A.3A, a court may issue an  
4 emergency temporary no-contact order prior to the arrest of a  
5 person for an alleged violation of a public offense referred to  
6 in section 664A.2, subsection 1.

7     2. A person alleging to be a victim of a public offense  
8 referred to in section 664A.2, subsection 1, may file an  
9 application for an emergency temporary no-contact order which  
10 shall include the following:

11     a. The name and mailing address of the person making the  
12 application.

13     b. The name and address, if known, of the person alleged to  
14 have violated a public offense referred to in section 664A.2,  
15 subsection 1.

16     c. The nature of the alleged violation.

17     3. The court shall enter an emergency temporary no-contact  
18 order if the court finds both of the following:

19     a. Probable cause exists to believe that any public offense  
20 referred to in section 664A.2, subsection 1, has occurred.

21     b. The presence of or contact with the person alleged to  
22 have violated a public offense referred to in section 664A.2,  
23 subsection 1, poses a threat to the safety of the alleged  
24 victim, persons residing with the alleged victim, or members  
25 of the alleged victim's family.

26     4. The emergency temporary no-contact order shall set forth  
27 the reasons for the issuance of the order, be specific in  
28 terms, and describe in reasonable detail the act or acts being  
29 restrained.

30     5. An emergency temporary no-contact order issued without  
31 notice under this section shall be endorsed with the date and  
32 hour of issuance and be filed immediately in the office of the  
33 clerk of the district court issuing the order, and shall expire  
34 at such time as the court directs, not to exceed ten days from  
35 issuance.



1 664A.2(1) has occurred; and the presence of or contact with the  
2 person alleged to have violated a public offense referred to  
3 in Code section 664A.2(1) poses a threat to the safety of the  
4 alleged victim, persons residing with the alleged victim, or  
5 members of the alleged victim's family.

6 The bill provides that the emergency temporary no-contact  
7 order shall set forth the reasons for the issuance of the  
8 order, be specific in terms, and describe in reasonable detail  
9 the act or acts being restrained. An emergency temporary  
10 no-contact order issued without notice shall be endorsed with  
11 the date and hour of issuance and be filed immediately in the  
12 office of the clerk of the district court issuing the order,  
13 and shall expire at such time as the court directs, not to  
14 exceed 10 days from issuance.

15 The bill provides that if no criminal charge has been filed  
16 against the person alleged to have violated a public offense  
17 referred to in Code section 664A.2(1) prior to the expiration  
18 of the emergency temporary no-contact order, the emergency  
19 temporary no-contact order shall expire. If a criminal charge  
20 has been filed against the person alleged to have violated a  
21 public offense referred to in Code section 664A.2(1) prior to  
22 the expiration of the emergency temporary no-contact order, the  
23 court shall proceed as provided in Code section 664A.3.